

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Rolanda Schmidt,

Case No. _____

Plaintiff,

v.

University of Northwestern-St. Paul, Philip Vierling, (individually and as a representative of University of Northwestern-St. Paul), David Erickson (individually and as a representative of University of Northwestern-St. Paul), Tanya Grosz (individually and as a representative of University of Northwestern-St. Paul) and Sue Johnson (individually and as a representative of University of Northwestern-St. Paul),

NOTICE OF REMOVAL

Defendants.

Pursuant to 28 U.S.C. §§ 1331 and 1441, Defendants University of Northwestern – St. Paul (“UNW”), Philip Vierling, David Erickson, Tanya Grosz, and Sue Johnson, hereby remove this action from District Court of Ramsey County, Minnesota to the United States District Court for the District of Minnesota. In support of this Notice of Removal, Defendants state as follows:

Procedural History

1. On June 21, 2023, Plaintiff Rolanda Schmidt filed a complaint in the District Court of Ramsey County, Minnesota, naming University of Northwestern – St. Paul (“UNW”), Philip Vierling, David Erickson, Tanya Grosz, and Sue Johnson as Defendants (the “**State Court Action**”).

2. On July 12, 2023, counsel for Plaintiff and Defendants agreed that the time for Defendants to answer or otherwise respond to the complaint would be extended until, and including, August 21, 2023.

3. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Defendants in the State Court Action is attached hereto as **Exhibit A**.

4. This removal is timely filed. Defendant UNW was first served with a copy of the summons and complaint on June 28, 2023. Defendant Johnson was served with a copy of the summons and complaint on June 30, 2023. Defendants Vierling, Erickson, and Grosz were not served with a copy of the summons and complaint. Accordingly, as required by 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within 30 days after receipt of the State Court Action complaint.

5. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiff, and a copy is being filed with District Court of Ramsey County, Minnesota.

Jurisdiction and Venue

6. This Court has subject matter jurisdiction over this action.

7. Plaintiff alleges four causes of action related to her employment by UNW. Count I alleges a violation of Title VII of the Civil Rights Act of 1964; Count II alleges a violation of 29 U.S.C. § 623; Count III alleges negligent supervision; and Count IV alleges a violation of 42 U.S.C. § 1983.

8. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over claims arising under federal law. Accordingly, removal of Plaintiff's federal law claims is warranted under 28 U.S.C. § 1441(a).

9. Because Plaintiff's claim for negligent supervision under state law arises from the same set of facts and is sufficiently related to Plaintiff's federal law claims, this Court has supplemental jurisdiction over that claim pursuant to 28 U.S.C. § 1367(a).

10. The state court in which the State Court Action is pending is located within the federal judicial district of the District of Minnesota. 28 U.S.C. § 103. Therefore, venue is proper in this Court because it is the "district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

11. All Defendants join the removal of this case to the United States District Court for the District of Minnesota.

No Waiver of Defenses

12. By removing this matter, Defendants do not waive or intend to waive any defense including, but not limited to, insufficiency of process and insufficiency of service of process.

WHEREFORE, Defendants respectfully request that this action, now pending in the District Court of Ramsey County, Minnesota, be removed to the United States District Court for the District of Minnesota.

Dated: July 24, 2023

LATHROP GPM LLP

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